

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: WATER-BASED PEST BAIT COMPOSITIONS HAVING A WATER-SENSITIVE INSECTICIDES AND METHODS OF MAKING AND USE THEREOF.

The specification of which

- a. ☒ is attached hereto
 b. ☐ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
 b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
10/115,459	April 2, 2002	PENDING
09/404,985	September 22, 1999	ABANDONED

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Ali, M. Jeffer	Reg. No. 46,359		
Altera, Allan G.	Reg. No. 40,274	Lauer, Deakin T.	Reg. No. 47,892
Anderson, Gregg I.	Reg. No. 28,828	Leach III, Thomas J.	Reg. No. P-53,188
Batzli, Brian H.	Reg. No. 32,960	Leonard, Christopher J.	Reg. No. 41,940
Beard, John L.	Reg. No. 27,612	Lewis, George C.	Reg. No. 53,214
Berns, John M.	Reg. No. 43,496	Liepa, Mara E.	Reg. No. 40,066
Blackburn, Murrell W.	Reg. No. 50,881	McDonald, Daniel W.	Reg. No. 32,044
Bortolotti, Rebecca	Reg. No. 51,488	McIntyre, Jr., William F.	Reg. No. 44,921
Brown, Jeffrey C.	Reg. No. 41,643	Mueller, Douglas P.	Reg. No. 30,300
Bruess, Steven C.	Reg. No. 34,130	Nelson, Anna M.	Reg. No. 48,935
Burke, John E.	Reg. No. 35,836	Parsons, Nancy J.	Reg. No. 40,364
Byrne, Linda M.	Reg. No. 32,404	Pauly, Daniel M.	Reg. No. 40,123
Clifford, John A.	Reg. No. 30,247	Peterson, Kyle T.	Reg. No. 46,989
Cook, Jeffrey	Reg. No. 48,649	Phillips, John B.	Reg. No. 37,206
Daignault, Ronald A.	Reg. No. 25,968	Pino, Mark J.	Reg. No. 43,858
Daley, Dennis R.	Reg. No. 34,994	Qualey, Terry	Reg. No. 25,148
Daley, William J.	Reg. No. 52,471	Randall, Joshua N.	Reg. No. 50,719
Daulton, Julie R.	Reg. No. 36,414	Reich, John C.	Reg. No. 37,703
DeVries Smith, Katherine M.	Reg. No. 42,157	Reiland, Earl D.	Reg. No. 25,767
DiPietro, Mark J.	Reg. No. 28,707	Schmaltz, David G.	Reg. No. 39,828
Doscotch, Matthew A.	Reg. No. 48,957	Schuman, Mark D.	Reg. No. 31,197
Edell, Robert T.	Reg. No. 20,187	Schumann, Michael D.	Reg. No. 30,422
Epp Ryan, Sandra	Reg. No. 39,667	Scull, Timothy B.	Reg. No. 42,137
Fitzsimmons, Karen A.	Reg. No. 50,470	Sebald, Gregory A.	Reg. No. 33,280
Gadiano, Christina M.	Reg. No. 37,628	Skoog, Mark T.	Reg. No. 40,178
Golla, Charles E.	Reg. No. 26,896	Sorge, Keith M.	Reg. No. 50,865
Gorman, Alan G.	Reg. No. 38,472	Stewart, Alan R.	Reg. No. 47,974
Gotfredson, Garen J.	Reg. No. 44,722	Stoll-DeBell, Kirstin L.	Reg. No. 43,164
Gould, John D.	Reg. No. 18,223	Strouse, Thomas J.	Reg. No. 53,950
Gregson, Richard	Reg. No. 41,804	Sullivan, Timothy	Reg. No. 47,981
Gresens, John J.	Reg. No. 33,112	Swenson, Erik G.	Reg. No. 45,147
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Hamre, Curtis B.	Reg. No. 29,165	Underhill, Albert L.	Reg. No. 27,403
Hennings, Mark	Reg. No. 48,982	Vidovich, Kristin K.	Reg. No. 41,448
Hertzberg, Brett A.	Reg. No. 42,660	Wahl, John R.	Reg. No. 33,044
Hillson, Randall A.	Reg. No. 31,838	Welter, Paul A.	Reg. No. 20,890
Hope, Leonard J.	Reg. No. 44,774	Wier, David D.	Reg. No. 48,229
Hornsby, III, Alton	Reg. No. 47,299	Williams, Douglas J.	Reg. No. 27,054
Jacobson, Charles A.	Reg. No. 53,061	Withers, James D.	Reg. No. 40,376
Johns, Nicholas P.	Reg. No. 48,995	Wong, Bryan A.	Reg. No. 50,836
Johnston, Scott W.	Reg. No. 39,721	Xia, Tim Tingkan	Reg. No. 45,242
Kalinsky, Robert A.	Reg. No. 50,471	Zeuli, Anthony R.	Reg. No. 45,255
Kelly, Zachary J.	Reg. No. 53,108		
Kettelberger, Denise	Reg. No. 33,924		
Keys, Jeramie J.	Reg. No. 42,724		
Knearl, Homer L.	Reg. No. 21,197		
Korver, Joshua W.	Reg. No. 51,894		
Kowalchuk, Alan W.	Reg. No. 31,535		
Kowalchuk, Katherine M.	Reg. No. 36,848		
Lamberty, Michael	Reg. No. 50,760		
Larson, James A.	Reg. No. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

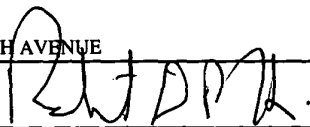
Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

***235**

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name GARDNER, JR.	First Given Name JAMES	Second Given Name P.
0	Residence & Citizenship	City STILLWATER	State or Foreign Country MINNESOTA	Country of Citizenship USA
1	Mailing Address	Address 12426 RAVINE CIRCLE	City STILLWATER	State & Zip Code/Country MINNESOTA 55082/USA
Signature of Inventor 201:			Date: 9/10/03	
2	Full Name Of Inventor	Family Name BARCAY	First Given Name S.	Second Given Name JOHN
0	Residence & Citizenship	City BURNSVILLE	State or Foreign Country MINNESOTA	Country of Citizenship USA
2	Mailing Address	Address 2608 HIGHLAND VIEW LANE	City BURNSVILLE	State & Zip Code/Country MINNESOTA 55337/USA
Signature of Inventor 202:			Date: 9-08-03	
2	Full Name Of Inventor	Family Name MATTS	First Given Name EMORY	Second Given Name H.
0	Residence & Citizenship	City ST. PAUL	State or Foreign Country MINNESOTA	Country of Citizenship USA
3	Mailing Address	Address 1150 CUSHING CIRCLE #207	City ST. PAUL	State & Zip Code/Country MINNESOTA 55108/USA
Signature of Inventor 203:			Date: 9/8/03	
2	Full Name Of Inventor	Family Name LANGE	First Given Name STEVEN	Second Given Name J.
0	Residence & Citizenship	City ST. PAUL	State or Foreign Country MINNESOTA	Country of Citizenship USA
4	Mailing Address	Address 1900 Montreal Avenue 1299 NILES AVENUE	City ST. PAUL	State & Zip Code/Country MINNESOTA 55116/USA
Signature of Inventor 204:			Date: 9/08/03	
2	Full Name Of Inventor	Family Name MOHS	First Given Name THOMAS	Second Given Name R.
0	Residence & Citizenship	City EAGAN	State or Foreign Country MINNESOTA	Country of Citizenship USA
5	Mailing Address	Address 4275 EAGLE CREST DRIVE	City EAGAN	State & Zip Code/Country MINNESOTA 55122/USA
Signature of Inventor 205:			Date: 9/10/03	

2	Full Name Of Inventor	Family Name HEI	First Given Name ROBERT	Second Given Name D.
0	Residence & Citizenship	City BALDWIN	State or Foreign Country WISCONSIN	Country of Citizenship USA
6	Mailing Address	Address 2224 30TH AVENUE	City BALDWIN	State & Zip Code/Country WISCONSIN 54002/USA
Signature of Inventor 206:			Date:	
			9/8/03	